

No. PD-0881-20

**IN THE
COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS**

FILED
COURT OF CRIMINAL APPEALS
7/22/2021
DEANA WILLIAMSON, CLERK

CRYSTAL MASON,

Appellant,

v.

STATE OF TEXAS,

Respondent.

From the Second Court of Appeals,
Cause No. 02-18-00138-CR

Trial Court Cause No. 148710D
From the 432nd District Court of Tarrant County, Texas
The Honorable Ruben Gonzalez, Jr. Presiding

**Unopposed Motion for Admission *Pro Hac Vice*
of Kathleen R. Hartnett**

COOLEY LLP

Kathleen R. Hartnett*

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CA Bar No. 310161

Darina Shtrakhman*

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Counsel for Amici Curiae

**Pro Hac Vice Admission Pending*

TO THE HONORABLE COURT OF CRIMINAL APPEALS OF THE STATE OF TEXAS:

Pursuant to Texas Government Code Section 82.001, *et seq.* and Rule XIX of the Rules Governing Admission to the Bar of Texas, non-resident attorney Kathleen R. Hartnett files this Unopposed Motion for Admission *Pro Hac Vice* (“Motion”) and respectfully requests that this Court enter an order authorizing Kathleen R. Hartnett to appear *pro hac vice* before this Court. In support of this Motion, Ms. Hartnett respectfully states as follows:

1. Ms. Hartnett seeks permission to appear *pro hac vice* as counsel for *amici curiae* Donald B. Ayer, Jonathan S. Feld, and other former prosecutors in the above-referenced matter. Ms. Hartnett is a partner with the law firm Cooley LLP, 3 Embarcadero Center, 20th Floor San Francisco, CA 94111-4004, Telephone: (415) 693-2000, Facsimile: (415) 693-2222, Email: khartnett@cooley.com. Ms. Hartnett’s California State Bar Number is 314267.

2. Ms. Hartnett will be associated in this proceeding with Neal S. Manne, a resident attorney whose Texas Bar Number is 12937980. Mr. Manne is an attorney licensed in Texas who is a partner at the law firm of Susman Godfrey L.L.P., 1000 Louisiana St., Suite 5100, Houston, Texas 77002-5096, Telephone: (713) 651-9366, Facsimile: (713) 654-6666, E-mail: nmanne@susmangodfrey.com.

3. Ms. Hartnett has not appeared or sought leave to appear in any cases in Texas court within the past two years.

4. Ms. Hartnett is an active member in good standing with the Bar of the State of California, the Bar of the State of New York, the District of Columbia Bar, the United States Supreme Court Bar, the United States District Court for the Northern District of California, the United States District Court for the Southern District of California, the United States District Court for the Central District of California, the United States District Court for the Eastern District of California, the United States District Court for the District of Columbia, the United States Court Appeals for the Second Circuit, the United States Court Appeals for the Fourth Circuit, the United States Court Appeals for the Fifth Circuit, the United States Court Appeals for the Ninth Circuit, the United States Court Appeals for the Tenth Circuit, the United States Court Appeals for the Eleventh Circuit, and the United States Court of Appeals for the Federal Circuit.

5. Ms. Hartnett has not been the subject of disciplinary action by the Bar or the courts of any jurisdiction in which Ms. Hartnett is licensed in the past five years.

6. Ms. Hartnett has not been denied admission to the courts of any State or to any federal court during the last five years.

7. Ms. Hartnett attests that she is familiar with the State Bar Act, the State Bar Rules, and the Texas Disciplinary Rules of Professional Conduct governing the conduct of members of the State Bar of Texas. Ms. Hartnett attests that she will at all times abide by and comply with these rules as long as the Texas proceeding is pending, and she has not withdrawn as counsel in the proceeding.

8. Pursuant to the Texas Rules Governing Admission to the Bar of Texas, Rule XIX(a), Ms. Hartnett has filed an application for admission *pro hac vice* with the Texas Board of Law Examiners and paid the \$250.00 filing fee. The Texas Board of Law Examiner's letter acknowledging the application is attached hereto as Exhibit A.

9. Pursuant to Rule XIX(b) of the Rules Governing Admission to the Bar of Texas, Ms. Hartnett submits Mr. Manne's motion concurrently with this Motion, which contains a statement that he finds Ms. Hartnett to be a reputable attorney and recommending that Ms. Hartnett be granted permission to participate in this matter before this Court.

10. The undersigned counsel has consulted with counsel for Respondent. Respondent does not oppose this motion.

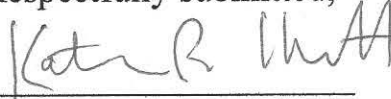
Ms. Hartnett respectfully requests that the Court grant this Motion for Admission *Pro Hac Vice* and enter an order allowing Ms. Hartnett to participate as an attorney for *amici curiae* in the above-captioned matter.

Dated: July 16, 2021

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Respectfully submitted,



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Counsel for Amici Curiae

**Pro Hac Vice Admission Pending*

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

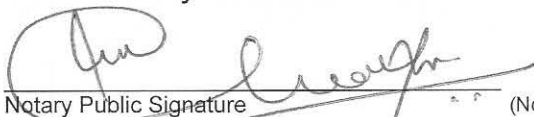
County of Alameda }

On 07-16-2021 before me, V. K. Chopra, Notary Public _____,
(Here insert name and title of the officer)

personally appeared KATHLEEN R. HARTNETT _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(ies), and that by
~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public Signature



(Notary Public Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

EXHIBIT A

Board of Law Examiners
Appointed by the Supreme Court of Texas

June 29, 2021

Kathleen R. Hartnett
Via: E-Mail

Acknowledgment Letter
Non-Resident Attorney Fee

According to Texas Government Code §82.0361, "a nonresident attorney requesting permission to participate in proceedings in a court in this state shall pay a fee of \$250 for each case in which the attorney is requesting to participate."

This Acknowledgement Letter serves as proof that the Board of Law Examiners has received \$250 in connection with the following matter:

Non-resident attorney: Kathleen R. Hartnett

Case: PD-0881-20

Texas court or body: In The Court of Criminal Appeals of the State of Texas

After satisfying the fee requirement, a non-resident attorney shall file a motion in the Texas court or body in which the non-resident attorney is requesting permission to appear. The motion shall contain the information and statements required by Rule 19(a) of the Rules Governing Admission to the Bar of Texas. The motion must be accompanied by this Acknowledgment Letter and by a motion from a resident practicing Texas attorney that contains the statements required by Rule 19(b).

The decision to grant or deny a non-resident attorney's motion for permission to participate in the proceedings in a particular cause is made by the Texas court or body in which it is filed.

For more information, please see Rule 19 of the Rules Governing Admission to the Bar of Texas and §82.0361, of the Texas Government Code, which can be found on the Board's website.

Cordially,



Nahdiah Hoang
Executive Director

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CERTIFICATE OF CONFERENCE

I certify that I conferred with counsel for the Respondent regarding the substance of the foregoing Motion. Respondent's counsel has indicated that they are unopposed to the relief requested in this Motion. Accordingly, this Motion is submitted to the Court for its determination.

/s/ Kathleen R. Hartnett
Kathleen R. Hartnett

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of July, 2021,
a true and correct copy of the foregoing Unopposed Motion for Admission *Pro*
Hac Vice of Kathleen R. Hartnett was served electronically through the court's
electronic filing system on the following counsel of record:

SHAREN WILSON
Criminal District Attorney
Tarrant County, Texas

JOSEPH W. SPENCE
Assistant Criminal District Attorney
Chief, Post-Conviction

JOHN E. MESKUNAS
Assistant Criminal District Attorney
Tim Curry Criminal Justice Center
401 W. Belknap
Fort Worth, Texas 76196-0201
(817) 884-1687
State Bar No. 24055967
ccaappellatealerts@tarrantcountytexas.gov

/s/ Kathleen R. Hartnett
Kathleen R. Hartnett

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Tanya McGinnis on behalf of Neal Manne
Bar No. 12937980
tmcginnis@susmangodfrey.com
Envelope ID: 55540295
Status as of 7/21/2021 8:49 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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Rebecca HarrisonStevens		beth@texascivilrightsproject.org	7/20/2021 5:46:54 PM	ERROR
Stacey Soule		information@spa.texas.gov	7/20/2021 5:46:54 PM	SENT
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Julie Veroff		jveroff@cooley.com	7/20/2021 5:46:54 PM	SENT
Darina Shtrakhman		dshtrakhman@cooley.com	7/20/2021 5:46:54 PM	SENT

Associated Case Party: Crystal Mason

Name
Emma Hilbert
Hani Mirza
Alison Grinter
Sophia LinLakin

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Tanya McGinnis on behalf of Neal Manne
Bar No. 12937980
tmcginnis@susmangodfrey.com
Envelope ID: 55540295
Status as of 7/21/2021 8:49 AM CST

Associated Case Party: Crystal Mason

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Kim T.Cole		kcole@kcolelaw.com	7/20/2021 5:46:54 PM	SENT
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Savannah Kumar	24120098	skumar@aclutx.org	7/20/2021 5:46:54 PM	SENT